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March 28, 2023

VIA ECF

Chief Judge Matthew W. Brann
United States District Court Middle District of Pennsylvania

**Re: Jackson v. Vibrant Healthcare, LLC
Civil Action No. 22-cv-1221**

Dear Judge Brann,

Our firm represents the plaintiff in the above-referenced matter and we are writing to the Court to advise it of a discovery dispute in this matter pursuant to this Court's November 16, 2022 Case Management Order (ECF No. 17). This discovery dispute is slightly peculiar in that it relates to an agreed protective order, proposed by the Defendant, which was agreed to by the Plaintiff several months ago. However, for reasons that remain unclear, the Defendant never filed a motion for entry of the protective order which the Plaintiff's position was required to satisfy *Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994):

This inaction has had substantial consequences on this case and requires judicial intervention. The most pressing issue relates to a miscellaneous discovery action that has been filed by a third party in response to a subpoena, who is prepared to produce documents but requires the entry of the protective order. *See Jackson v. Vibrant Healthcare, LLC*, 2:23-MC-00140-JNP (D. Ut.). While the Plaintiff previously agreed, and still agreed, that entry of a protective order was

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appropriate, since it was not a protective order that the Plaintiff sought, it would have been inappropriate for the Plaintiff to file the same.

Given the impact this issue has had on discovery, and the fact that counsel for the Plaintiff has corresponded or spoken with counsel for the Defendant on this issue nearly a half-dozen times since the protective order was agreed to, judicial intervention is now unfortunately required.

Respectfully Submitted,

/s/ Anthony I. Paronich

Anthony I. Paronich

cc: All Counsel of Record (Via ECF)